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Journal of the Constitutional Convention, 1965 Nov 29

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JOURNAL OF THE CONSTITUTIONAL CONVENTION

Providence, Rhode Island

November 29, 1965

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 1:27 P.M.

INVOCATION

The Chairman presented Reverend Carl C. Banks, Minister of the Second Free Will Baptist Church, Providence, Rhode Island, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 75 present, 25 absent. A quorum was present.

Absentees were Mr. Appolonia, Mrs. Barber, Messrs. Bride, Champion, Cunningham, Delehanty, Dodge, Fanning of Cumberland, Gammino, Gmelin, Giguere, Jordan, Kiernan, Mrs. Lacroix, Messrs. LaFrance, Macari, Manning, Martin, McCabe, Merolla, Moon, Murphy of Coventry, Toolin and Viall, and Gallagher.

The names of the absentees were called.

On motion of Mr. Wexler, seconded by Messrs. Gallogly and DiLuglio, the reading of the Journal of the previous day was dispensed on a voice vote.

On nomination of Mr. DiLuglio, seconded by Messrs. Cochran, Gallogly, DiSandro and Warren, Mr. Ernest A. Foster was elected Secretary Pro Tem in the absence of the Secretary of the Convention, unanimously.

REPORTS OF STANDING COMMITTEES

Mr. Coleman, for the Committee on Local Government, reported back that, by a vote of 10 to 0, the Committee did not recommend the following proposal:

Proposal No. 101 "Alcoholic Beverages"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gallogly, for the Committee on the Executive Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 157 "Executive Amendment" (Conditional Veto)

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gallogly, for the Committee on the Executive Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 10 to 0, the Committee did not recommend the following proposal:

Proposal No. 160 "Item Veto"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gallogly, for the Committee on the Executive Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 8 to 1, the Committee did not recommend the following proposal:

Proposal No. 133 "Of the Department of Justice"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gallogly, for the Committee on the Executive Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 161 "Expenditures"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gallogly, for the Committee on the Executive Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 8 to 0, the Committee recommended adoption of the following proposal:

Proposal No. 172 "State Bond Referenda"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gallogly, for the Committee on the Executive Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 8 to 0, the Committee recommended adoption of the following proposal:

Proposal No. 176 "Reorganization of the Executive Branch"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gallogly, for the Committee on the Executive Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 10013 "Powers of the Governor"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gallogly, for the Committee on the Executive Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee recommended adoption of the following proposal:

Proposal No. 10022-Substitute A "Natural Resources"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

On motion of Mr. Wexler, the delegates extended to Reverend Banks a rising vote of appreciation for his kindness in giving the Invocation.

INTRODUCTION OF PROPOSALS

The Chairman announced receipt of the following proposal:

Proposal No. 190, offered by Mr. Dolbashian, entitled "Claims Against Governmental Units".

The proposal was read by title and referred to the Committee on the Legislative Department.

REPORT OF THE COMMITTEE OF THE WHOLE

The Chairman announced that he would present the report of the Committee of the Whole for November 15, 1965, a copy of which was on the desk of each delegate.

On motion of Mr. DiSandro, seconded by Messrs. DiLuglio and Murphy of Tiverton, reading of the report was dispensed and the Convention proceeded to act thereon, on a voice vote.

The Chairman, as Chairman of the Committee of the Whole, on November 15, 1965, presented the report of the Committee of the Whole to the Convention and action was taken thereon as follows:

"The Committee of the Whole meeting on November 15, 1965, considered Proposal No. 27-Substitute A, Section 1(d). The Committee of the Whole recommended the recommitment of Section 1(d) to the Committee on Elections and Right to Vote."

By unanimous consent Section 1(d) of Proposal No. 27-Substitute A was recommitted to the Committee on Elections and Right to Vote.

Also, "The Committee of the Whole then considered Section 2 of Proposal 27-Substitute A. The Committee of the Whole recommended recommitment of Section 2 to the Committee on Elections and Right to Vote."

By unanimous consent Section 2 of Proposal No. 27-Substitute A was recommitted to the Committee on Elections and Right to Vote.

Also, "The Committee considered Proposal No. 33-Substitute A, 'Of Elections'.

"The Committee on Elections and Right to Vote recommended the adoption of the substitute proposal. On a division vote, with a majority of the delegates so voting, a motion to recommend adoption of Proposal No. 33-Substitute A prevailed."

The proposal was referred to the Committee on Style and Drafting.

Also, "The Committee considered Proposal No. 39, 'Government During Emergency'.

"The Committee on Executive Department recommended adoption. On a division vote, with a majority of the delegates so voting, a motion to recommend the adoption of the proposal prevailed."

The proposal was referred to the Committee on Style and Drafting.

Also, "The Committee considered Proposal No. 55, 'Line of Succession to the Governorship'.

"The Committee on the Executive Department recommended the adoption. On a division vote, with a majority of the delegates so voting, a motion to recommend the adoption of the proposal prevailed."

The proposal was referred to the Committee on Style and Drafting.

Also, "The Committee considered Proposal No. 103, 'General Officers'.

"The Committee on the Executive Department recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. DiLuglio, seconded by Mr. Cote, moved that the proposal be rejected.

On a division vote the motion prevailed, 57 delegates voting in the affirmative, 0 delegates voting in the negative.

Also, "The Committee considered Proposal No. 150, 'Executive Power'.

"The Committee on the Executive Department recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Gallogly, seconded by Mr. Cote, moved that the proposal be rejected.

On a division vote the motion prevailed, 44 delegates voting in the affirmative, 13 delegates voting in the negative.

Also, "The Committee considered Proposal No. 174, "Use of Motor Vehicle Tax Revenue".

"The Committee on the Executive Department recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Gallogly, seconded by Dr. Parrillo, moved that the proposal be rejected.

On a division vote the motion prevailed, 55 delegates voting in the affirmative, 2 delegates voting in the negative.

Also, "The Committee considered Proposal No. 175, 'Protection of Salt Water Resources'.

"The Committee on the Executive Department recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to recommend the adoption of the proposal failed."

Mr. Gallogly, seconded by Messrs. Cochran and Chaharyn, moved that the proposal be rejected.

On a division vote the motion prevailed, 55 delegates voting in the affirmative, 0 delegates voting in the negative.

Also, "The Committee considered Proposal No. 182, 'Interest'.

"The Committee on the Executive Department recommended that the proposal not be adopted. On a division vote, with a majority of the delegates voting, a motion to recommend the adoption of the proposal prevailed."

Mr. Doris submitted that reconsideration was in order.

The Chairman ruled that time for reconsideration had passed, the motion for reconsideration having been in order at the previous session of the Committee of the Whole.

The Chairman ruled that reference of the proposal to the Committee on Style and Drafting was automatic under the Convention rules.

The proposal was referred to the Committee on Style and Drafting.

Also, "The Committee considered Proposal No. 186, 'Of the Senate'.

"The Committee on Elections and Right to Vote recommended recommitment to the Committee on the Legislative Department. The Committee of the Whole recommended recommitment of the proposal to the Committee on the Legislative Department."

By unanimous consent the proposal was recommitted to the Committee on the Legislative Department.

GENERAL ORDERS

Mr. Warren, seconded by Mr. Murphy of Tiverton and Mrs. Pulner, moved that the Convention resolve into a Committee of the Whole upon the General Orders of the Day.

The motion prevailed on a voice vote.

(For Journal of the Committee of the Whole, see appendix, this Journal.)

Upon the rising of the Committee of the Whole, the Chairman again called the Convention to order.

ADJOURNMENT

At 3:45 P.M., on motion of Mr. Pickard, seconded by Mr. Murphy of Tiverton, the Convention adjourned to meet on Thursday, December 2, 1965 at 7:30 P.M. in the Chamber of the House of Representatives at the State House, on a division vote, 32 delegates voting in the affirmative, 28 delegates voting in the negative.

August P. LaFrance
Secretary
Constitutional Convention

A P P E N D I X

Journal of the Committee of the Whole

November 29, 1965

Upon the resolving of the Convention into a Committee of the Whole, the Chairman called the Committee of the Whole to Order.

GENERAL ORDERS

The Committee of the Whole proceeded to consider and act upon the General Orders of the Day.

UNFINISHED BUSINESS

Proposal No. 26-Substitute A "Declaration of Certain Constitutional Rights and Principles"

(The Committee on Personal Liberties recommends adoption of the substitute proposal.)

The Committee of the Whole continued consideration of the proposal.

At 1:55 P.M. the Chairman yielded the rostrum to Mr. David D. Warren, First Vice-Chairman.

Section 6 of the proposal was read. Mr. Dolbashian, seconded by Mr. Beauchemin, moved that the Committee of the Whole recommend adoption of the section.

Mr. Gorham of Scituate, seconded by Mr. Pickard, moved that for consideration of the section it be divided into two parts, the first ending with the word "seized" and the second starting immediately thereafter.

On a division vote the motion to divide prevailed, 27 delegates voting in the affirmative and 22 delegates voting in the negative.

Mr. Dolbashian, seconded by Mr. Beauchemin, moved that the Committee of the Whole recommend adoption of the first part of the section.

On a division vote the motion prevailed, 64 delegates voting in the affirmative and 0 delegates voting in the negative.

Mr. Dolbashian, seconded by Messrs. Beauchemin, Gallogly, DiLuglio and Mrs. Pulner, moved that the Committee of the Whole recommend adoption of the second part of the section.

On a division vote the motion prevailed, 56 delegates voting in the affirmative and 6 delegates voting in the negative.

Mr. Pickard, seconded by Messrs. Beauchemin and LaSalle, offered the following written motion to amend:

"I move to amend Section 6 by adding thereto the following:
'The people's right to privacy shall not be violated by the State or by other persons'."

Robert F. Pickard

The motion was read.

The motion was debated.

On a division vote the motion to amend did not prevail, 27 delegates voting in the affirmative and 41 delegates voting in the negative.

On motion of Mr. Dolbashian, seconded by Dr. Parrillo and Mr. Matzner, the Committee of the Whole recommended adoption of Section 6, on a division vote, 64 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 7 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Beauchemin and Dolbashian, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On a division vote the motion prevailed, 58 delegates voting in the affirmative, 0 delegates voting in the negative.

Section 8 of the proposal was read.

Mr. Murphy of Warren, seconded by Mr. Beauchemin, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 57 delegates voting in the affirmative, 0 delegates voting in the negative.

Section 9 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Beauchemin and Dolbashian, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 57 delegates voting in the affirmative, 0 delegates voting in the negative.

Section 10 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Beauchemin and Cochran, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 51 delegates voting in the affirmative, 0 delegates voting in the negative.

Section 11 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Gallogly, Beauchemin and Prince, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 50 delegates voting in the affirmative, 0 delegates voting in the negative, with some delegates present and not voting.

Section 12 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Gallogly, Dolbashian and Beauchemin, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 52 delegates voting in the affirmative, 0 delegates voting in the negative.

At 2:55 P.M. the Chairman again took the rostrum.

Section 13 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Beauchemin and Gallogly, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 54 delegates voting in the affirmative, 0 delegates voting in the negative.

Section 14 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Gallogly, Beauchemin and Dolbashian, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 55 delegates voting in the affirmative, 0 delegates voting in the negative.

Section 15 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Gallogly, Murphy of Tiverton, Vacca, Willey, Matzner, Beauchemin and Mrs. Pell, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 57 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 16 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Canna and SaoBento, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 55 delegates voting in the affirmative, 0 delegates voting in the negative.

Section 17 of the proposal was read.

Mr. Murphy of Warren, seconded by Mr. Dolbashian, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 51 delegates voting in the affirmative, 0 delegates voting in the negative.

At 3:03 P.M. the Chairman yielded the rostrum to Mr. Robert F. Pickard, Second Vice-Chairman.

Section 18 of the proposal was read.

Mr. Murphy of Warren, seconded by Mr. Gallogly, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 51 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 19 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Dolbashian and Gallogly, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 53 delegates voting in the affirmative, 0 delegates voting in the negative.

Section 20 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Dolbashian, Beauchemin and Wexler, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 54 delegates voting in the affirmative, 0 delegates voting in the negative.

Section 21 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Dolbashian, Beauchemin, and Cannon, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 54 delegates voting in the affirmative, 0 delegates voting in the negative.

Section 22 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Dolbashian, Canna and Gallogly, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 53 delegates voting in the affirmative, 0 delegates voting in the negative.

Section 23 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Dolbashian, Gallogly, Principe and Vacca, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 54 delegates voting in the affirmative, 0 delegates voting in the negative.

Mr. Murphy of Warren, seconded by Messrs. Vacca, Dolbashian, Gallogly, Cooney and Cannon moved that the Committee of the Whole recommend adoption of Proposal No. 26-Substitute A as amended.

On a division vote the motion prevailed, 55 delegates voting in the affirmative, 0 delegates voting in the negative.

Proposal No. 1 "Wiretapping"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Dolbashian, seconded by Mr. Murphy of Warren, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 57 delegates voting in the affirmative, 0 delegates voting in the negative.

Proposal No. 13 "Declaration of Certain Constitutional Rights and Principles"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Vacca, seconded by Mr. Dolbashian, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 54 delegates voting in the affirmative, 0 delegates voting in the negative.

Proposal No. 14 "Declaration of Certain Constitutional Rights and Principles"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Dolbashian, seconded by Mr. Gallogly, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 54 delegates voting in the affirmative, 0 delegates voting in the negative.

Proposal No. 15 Declaration of Certain Constitutional Rights and Principles"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Dolbashian, seconded by Mr. Gallogly, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 51 delegates voting in the affirmative, 0 delegates voting in the negative.

Proposal No. 44 "Declaration of Certain Constitutional Rights and Principles"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Dolbashian, seconded by Mr. Gallogly, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 53 delegates voting in the affirmative, 0 delegates voting in the negative.

Proposal No. 173 "Leasehold Rights"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Dolbashian, seconded by Messrs. Canna and Beauchemin, moved that the Committee of the Whole recommend rejection of the proposal.

The motion was debated.

On a division vote the motion prevailed, 47 delegates voting in the affirmative, 6 delegates voting in the negative.

Proposal No. 185 "Remedies"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Dolbashian, seconded by Mr. Lawrence, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 28 delegates voting in the affirmative, 0 delegates voting in the negative, with more than 23 delegates present and not voting.

Proposal No. 10004 "Civil Rights"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Gorham of Scituate, seconded by Messrs. Dolbashian and Beauchemin, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 44 delegates voting in the affirmative, 0 delegates voting in the negative, with more than 7 delegates present and not voting.

Proposal No. 10005 "Firearms"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Dolbashian, seconded by Mr. Gorham of Scituate, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 42 delegates voting in the affirmative, 0 delegates voting in the negative, with more than 9 delegates present and not voting.

Proposal No. 10006 "Personal Freedoms"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Beauchemin and Murphy of Tiverton, moved that the Committee of the Whole recommend rejection of the proposal.

On a voice vote the motion prevailed.

Proposal No. 10008 "Personal Freedom"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Dolbashian, seconded by Mr. Murphy of Warren, moved that the Committee of the Whole recommend rejection of the proposal.

On a voice vote the motion prevailed.

Proposal No. 10014 "Citizens' Rights"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Murphy of Warren, seconded by Mr. Gallogly, moved that the Committee of the Whole recommend rejection of the proposal.

On a voice vote the motion prevailed.

Proposal No. 10007 "Personal Freedoms"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Murphy of Warren, seconded by Mr. Gallogly, moved that the Committee of the Whole recommend rejection of the proposal.

On a voice vote the motion prevailed.

Proposal No. 10018 "Personal Liberties"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Murphy of Warren, seconded by Mr. Gallogly, moved that the Committee of the Whole recommend rejection of the proposal.

On a voice vote the motion prevailed.

Proposal No. 10024 "Personal Liberties"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Murphy of Warren, seconded by Mr. Gallogly, moved that the Committee of the Whole recommend rejection of the proposal.

On a voice vote the motion prevailed.

Proposal No. 45 "Declaration of Certain Constitutional Rights and Principles"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Vacca, seconded by Mr. LaSalle, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

On a division vote the motion did not prevail, 2 delegates voting in the affirmative, 43 delegates voting in the negative, with more than 6 delegates present and not voting.

Proposal No. 72 "Declaration of Certain Constitutional Rights and Principles"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

Mr. Beauchemin, seconded by Messrs. Murphy of Warren, Dolbashian and Cochran, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 49 delegates voting in the affirmative and 0 delegates voting in the negative, with more than 2 delegates present and not voting.

At 3:39 P.M. the Chairman again took the rostrum.

Mr. LaSalle, seconded by Messrs. Murphy of Warren, Warren and McKiernan, moved that the Committee of the Whole rise. The motion prevailed on a voice vote.

August P. LaFrance
Secretary
Constitutional Convention